

1897-026 Chancery Causes: Joseph Ely vs. John L. Pennington &
Lee Co.

CH-Debt
T-Property

To the Hon. W. T. Miller Judge
of the Circuit Court of Lee
County Va.

Your orator Joseph
Eliz who humbly complain-
ing would respectfully rep-
resent that heretofore, at the
Nov. Term 1895 of this Hon.
Court, your orator obtained
a judgement against J. L.
Perrington and Wm Perrington
for the sum of \$134.⁰⁰ and legal
interest thereon from the 5th day
of Oct, 1895. and \$8.56. Costs at
law. upon this judgement ex-
ecution issued and was placed
in the hands of Elbert Laplato
D. S. for W. P. Weston sheriff of
the said County and was by
him the said deputy on the 3rd
day of Feb. 1896 returned "no
property found" A copy of
said fi fa and return, will
be found filed herewith and
is prayed to be considered as
part hereof. The said judgement
nor no part thereof, has ever been
paid, but remains wholly due your
orator.

This judgement has been duly docketed, and indexed in the County Court Clerk's office, so that the same constitutes a lien upon the lands, of the said defendant situated in Lee County as your orator is advised.

The said John L. Pennington is not the owner of any real estate known to your orator, but Wm Pennington is the owner of real estate situated in this County, one farm whereon he resides in Pennington Gap near Salem Church, and another near E. M. Pennington in Poor valley. The rents and profits of which will not in five years pay said debt & costs. He ~~owns~~ the said Wm Pennington may own other lands but there are ample to pay said debt.

The object of said Bill is enforce said lien, upon said lands and have so much thereof sold as may be nec-

essary to pay the same, and the
Costs of Suit. There are no
other Judgements against said
Wm Pennington known to your
Orator.

The premises considered your
Orator prays that J. L. Pennington
and Wm Pennington be made
parties defendant to this bill
and answer the same, but
they need not do so upon
oath that being waived.

And on a hearing a decree
be rendered enforcing said
lien, and selling said land
for said judgement and
attendant Costs. And for
all other further and general
relief. May supra issue
&c.

Richmore D. Sweet.

P. & S.

Joseph Eley
vs Bill Chy

J. L. Pennington et al

1896 2nd Feby rules
bill filed & pa. & d
& Decree nisi

" 1st March rules taken
the last Monday in
Feby & N. Conf. &
Cause set for hearing.

~~Pleffs Costs
Clerk 7.12
Jury 1.50
Shelf 4.50
Atty 15.00
Estimates 5.00
\$27.98~~

Pleffs Costs
Clerk 7.12
Jury 1.50
Shelf 4.50
Atty 15.00
Estimates 5.00
\$38.12

33.12
284.96
318.08

Joseph Ely

against } du chiz
J. L. Pennington & others }

This cause came on this day to be further heard upon the papers formerly read & was argued by counsel. On consideration whereof & it being suggested at bar that there are various liens on the lands of the defendants it is adjudged, ordered & decreed that E. W. R. Ewing who is hereby appointed a Commissioner for the purpose, will ascertain & report all liens & their character against the lands of the defendants to whom due, their amounts & priorities & whether said lands will in 5 years net for a sum sufficient to pay said liens. He will upon & designate what liens operate on the separate track if not operating upon all track alike & report any matter deemed pertinent by himself or required by any party in interest. He will give the parties or their attorneys notice of the time & place of his sittings & reduce to writing the evidence upon which he bases his report & will report to the next term of this Court & this Cause is continued.

Joseph Ely

vs } Sumfrack
J. J. Punnett et al

March 7. 1897.

Eu C. D. B. p. 564.

Enter this
M. J. H.
March 7th 1897
10

Joseph Ely - - - - - plff. }
 against } In chancery
J. L. Permington et als defts.

This Cause came on this day to be heard upon the Bill taken for confessed and exhibits filed and was argued ~~for~~ by Counsel.

On consideration of which and for reasons appearing to the Court it is adjudged ordered and decreed that the plff recover from the defendants the sum of \$142.56. with legal interest on \$134. part thereof from Oct 5th 1895. till paid and the Costs of this suit - and unless the defendants or some one for them shall pay the same within 20 days from the rising of this Court, then D. C. Sewell who is hereby appointed a Special Commissioner for the purpose will sell by public outcry at the front door of the Court House of this County on some Court day so much of the land in the Bill mentioned as may be necessary to pay the sums herein decreed. He will require a sufficient sum paid in hand to pay the Costs of suit & sale, and for the residue take bonds ^{payable to himself} with approved personal security bearing interest from day of sale.

The sale will be made on a
credit of 6 and 12 months -

But before proceeding to execute this
decree said Court will execute
bond before the Clerk of this Court in
a penalty of \$300. Conditioned to duly
perform the duties hereunder.

He will then advertise the time place
& terms of sale for at least 30
days by putting notice thereof on
the front door of the Court House
and at one or more public places
in the neighborhood where the
land lies - He will report his
action to this Court from time to
time & the Cause is Continued -

Joseph Eley

of Decree of
Sale.

J. L. Permeny for Clerk

March 7. 1896

O.K.O. 343

Enter this

March 5. 1896

W. J. M.

Virginia

At a circuit Court continued and held
for Lee County at the Court-house thereof
Thursday March 5th 1896.

Joseph Ely

Plff

vs
J. L. Pennington et als Defts

In Chy

This Cause came on this day to be
heard upon the bill taken for confessed
and exhibits, And was argued by Counsel,
On Considerations of which and for reasons
appearing to the Court; It is adjudged or-
dered and decreed that Plff recover from
the defendant the Sum of \$142.56 with
legal interest on \$134.00 part thereof from
October 5th 1895; till paid and the Costs of
this Suit, and unless the defendants or
some one for them shall pay the same
within 20 days from the rising of this Court
then D C Sewell who is hereby appointed
a Special Commissioner for the purpose
will ^{sell} by public outcry on some Court day
so much of the land in the bill mention-
ed as may be necessary to pay the Sum
herein decreed. He will require a
sufficient Sum paid in hand to pay
the Costs of Suit & Sale and for the residue
take bonds payable to himself with approved

personal security bearing interest from day of Sale. The Sale will be made on a credit 6 or 12 months. But before proceeding to execute this decree said Court will execute bond before the clerk of this Court in a penalty of \$300.00, Conditioned to duly the duties hereunder. He will then advertise the time and place and terms of Sale for at least 30 days by posting Notices thereof on the front door of the Court-house and at one or more public places in the neighborhood where the land lies. He will report his action to this Court from time to time & the Cause is continued

A Copy Leste A B Munsey

Joseph Cady

Copy of decree

J L Pennington et al

executed March 28th

1896 By deliveryman

offic copy of the

within decree to

D. C. Sewell

W. S. Weston 1896

Copy for D C Sewell

C 75^{cto}

Joseph Ely
vs } Copy of Decree
J L Pennington et al

Executed on April
7th. 1897. by deliv-
ering a true copy
hereof to E. M. R. Ewing
Jas. M. Weston & Co.
for H. P. Weston & Co.

Copy for E M R Ewing

Clerk 78^{cts}

Joseph Ely

vs. (In Chancery.

J.L.Pennington et al.

Honorable W.T.Miller, Judge of the Circuit court Lee county:

Your undersigned special commissioner in the above cause advertised as in the decree directed to him, and when all the parties had come together, it was agreed that your commissioner should make one report in this and the Greer Machinery Co. case, both of which were submitted to your commissioner, and the questions of both being the same, and that this one report should answer the purpose of both cases, that costs might thereby be saved. Your commissioner has made the report and has filed the same, and here adopts it ~~mutatis mutandum~~ mutatis mutandum, as his report in this case. So far as the fee is concerned, it is immaterial so far as your commissioner knows, in which case it is charged, but if there is a difference, one half should be charged in this case.

Respectfully submitted.

E. W. R. Ewing,

Special Commissioner.

Director Community Dev.

Sal.

at

Cover Rept.

Filed May 27th 1897
A. B. Munsey
Clerk

A. B. Mumsey
Clerk

Clerk

with a little.

50

Repts. of the Committee on the Judiciary, 1901-1902, p. 10.

Ely
June 1
May 2
B. B. 1

L.P.

some together. It has agreed that your commission should make one re-

advertised as in the degree directed to him, and when all the parties had
your undersigned special commissioner in the above cases

Countess W. T. Miller, Judge of the Circuit Court Lee County.
J. H. Pennington et al.

AS. (IN CHENCOIA.
JOSEPH ELY

FORRESTER W. T. MILLER, Judge of the Circuit Court, Lee County.

A. P. Boudier

AN. (IN CHRONOL.

208057 717

Joseph Ely, Plaintiff
vs. } In Chancery.

J. L. Pennington and Wm Pennington.

On the 9th day of March, 1897, at its March term, the Circuit Court of Lee County, Virginia, rendered a decree in the above cause appointing the undersigned a special commissioner, and directing him to ascertain and report all liens and their character, against the lands of the defendants, to whom due, their priorities, and whether or not the said lands will rent for enough in 5 years to pay the said liens; and to report upon what tracts of said lands said liens operate, if not operating upon all tracts alike. He was also directed to report any matter required by any party in interest, or deemed pertinent by himself:

Notice, therefore, is hereby given all parties that the undersigned commissioner will, on the 15th day of April, 1897, sit in his office in Jonesville, Virginia, for the purpose of executing said decree. All parties will govern themselves accordingly.

Wch 19, '97.

E. H. R. Ewing,
Sp. Commr.

Joseph Ely
v. } In Equity.

J. L. Pennington et al.

Comm. Notice.

Executed March 20
1897. by delivering
a true copy hereof
The within notice
to Joseph Ely,
J. L. Pennington
and W^m. Pennington
E. L. Stapleton
D.D.

for M. P. Weston
S. B.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

J L Pennington and
M^r Pennington

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *3^d* Monday in *February*, 189*6*, to answer a
bill in Chancery, exhibited against *them* in our said court by

Joseph Ealy

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-
house, the *8th* day of *February*, 189*6*, and in the

120th year of the Commonwealth.

A B Munsey Clerk.

Joseph Ely
vs. { SUPRENA
J. L. Pennington et al. { IN CHANCERY.

Pr. dem. or Sp. q.

To 2nd Feby Rules,
Circuit Court.

Ex. ante file
15th of 1896 Reg
Delivering a true
copy of same to
Will Pennington
J. L. Pennington
By E. S. Peck
for W. P. Weston
S. L. L.